

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: I-2521.1/12

ATTY/TYPIST: AI:crs

BRIEF DESCRIPTION:

Initiative Measure No. 514,

filed March 19, 2012

AN ACT Relating to protecting children from the cannabis and marijuana economy; amending RCW 69.50.401, 69.50.4014, 69.50.412, 69.50.4121, 69.50.500, and 69.50.504; adding new sections to chapter 69.50 RCW; adding a new section to chapter 46.20 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** When it becomes necessary for the people to bypass the legislative process and alter the laws directly through an initiative, elected officials deserve an explanation from the people. The people acknowledge that laws long-established should not be changed for light and transient reasons. However, the people find that the laws prohibiting the consumption of cannabis by adults have become untenable. These laws have become destructive to Washingtonians' unalienable rights of life, liberty, and the pursuit of happiness. When the federal government assumes powers not authorized in its founding documents and prevents a state government from instituting laws in the interest of its people, it is the

people's right and duty to reject such federal interference in their lives and enact new laws that assure their rights. Americans have watched as federal law has prevented state legislatures, including ours, from regulating cannabis, even for life saving medical purposes. Federal interference in the internal affairs of Washington state regarding cannabis and hemp has usurped the state's right to regulate commerce internal to the state in such a way as to protect the people, especially those most vulnerable in our society. It is now time for the people of Washington to assert their right to alter the state laws under which they live and reclaim their rights of life, liberty, and the pursuit of happiness.

(1) The people of Washington state submit the following facts:

(a) One of the primary purposes of our state government is to defend the people's rights from the federal government attempts to seize control the people's daily lives.

(b) Our federal Constitution grants the federal government the responsibility to ensure commerce between states is regular. It does not confer upon the federal government any rights over any person's property of any kind until and unless that property travels outside of the state where it was produced, and only then if the person intends to engage in commerce with the property.

(c) Neither the federal or state Constitution grants the right to the government to decide what materials the people may use for food, clothing, building, medicine, or sacrament. Those rights are ultimately reserved for the people.

(d) Nearly a century ago, individuals in our government renamed two distinct agricultural crops, industrial hemp and medicinal cannabis, calling them both "marijuana," confiscating from the American people, including Washingtonians, the right to grow crops that together may be the single most useful plant known to the human race. Hemp is legal to grow in much of the world since it is easy to distinguish industrial hemp with virtually no THC from the cannabis variant that people use medicinally and to get high. Sadly, our federal government not only prohibits any American from growing either of these useful crops, it wastes millions of tax dollars every year

knowingly attempting to eradicate feral hemp, which cannot be used to get high. Hemp has historically been and should continue to be one of the primary sources of raw hydrocarbons for our society, providing food, fuel, plastics, paper, medicine, and other products. Instead, our federal government continues to prohibit domestic production of hemp which protects the petrochemical industry from competition under the guise of limiting our children's access to cannabis.

(e) Without constitutional authority, federal law prohibits;

(i) Cultivation, distribution, sales, or use of marijuana, including medical use, by all but less than a dozen people in the United States.

(ii) States from creating regulations for businesses that engage in marijuana commerce and operate entirely within the laws and confines of that state. In 2011, our governor vetoed sections of a medical marijuana reform bill because the federal government threatened to arrest Washington state employees if they issued licenses regulating cultivation or distribution of medical cannabis.

(iii) Or inhibits any and all research efforts designed to demonstrate human health benefits derived from this plant despite the fact that it has been used as medicine for millennia, while funding much unsuccessful research designed to prove cannabis is detrimental to human health.

(f) The people and many state governments, including ours, have repeatedly asked for the federal government to reassess its laws regarding marijuana. The federal government has completely refused to discuss the matter.

(g) Despite holding patent 6630507, which demonstrates that cannabinoids are useful in the prevention and treatment of a wide variety of medical conditions, numerous states allowing medicinal use, and having about a dozen of its own medical cannabis patients, the federal government contends that cannabis has no medical use anywhere in the United States. Through the initiative process, Washingtonians have voted that, regardless of what the federal government says, "Marijuana, at least cannabis, is medicine" and yet Washington state government continues to supply state law enforcement officers to

assist federal law enforcement officers in actions against ailing Washingtonians and those who risk federal prosecution by trying to help them. Instead of standing up to the federal government and defending the rights of Washingtonians, our state government has, time and again, failed to enact laws designed to implement the will of the people.

(h)(i) Current State law that defines sharing and sales as the same crime of distribution encourage people to sell marijuana to their friends, turning almost all cannabis users, including our children, into dealers.

(ii) Current State law makes it a felony for most adults to give cannabis to another adult, even an adult that has a doctor's recommendation. At the same time, state laws minimize consequences for many minors who sell cannabis. This insidious double standard encourages cannabis sales through minors.

(iii) The majority of our elected leaders seem to fail to realize or care that the people think cannabis should be more accessible to medical cannabis patients than to school children.

(i) Victimless crimes have victims; they are the individuals that are arrested, their children, and the people they later have to take from in order to survive once they are legally allowed to be discriminated against in employment, housing, education, and subsistence assistance.

(j) Discretion in where, when, and against whom cannabis laws are enforced directly cause environments in minority communities that drive poverty. A high percentage of the victims of cannabis crimes are young people, often of color, who are arrested and returned to their communities with criminal records that inhibit them from finding a productive place in our society. Once branded a drug criminal, they become second class citizens. Many lose their job and/or their ability to find one. Many lose their housing, in some cases even relatives can be evicted, educational assistance is revoked, further educational assistance is denied and subsistence assistance designed to help children can also be denied. All take a disproportionately heavy toll on communities of color; people are eventually forced to

start taking from their neighbors when they are no longer allowed to earn a living or even receive subsistence assistance.

(k) Before marijuana was made illegal and as late as the early 1960s, cannabis was virtually unknown in American high schools or colleges, but since the federal government declared war on marijuana and other substances around forty years ago, cannabis has become ubiquitous in America's schools. It is accessible in some grade schools, and is widely available to children in middle and high school. Almost half of Washington state high school seniors admit to having tried it. Over a quarter of them had used it in the last month, and less than a fifth of them said it would be very hard for them to get. Unfortunately, for many mature adults it would be very difficult to obtain cannabis, even if told by physicians that marijuana might improve their quality of life or life span. As serious enforcement of prohibiting adult cannabis consumption has increased, cannabis commerce in our schools has increased dramatically.

(l) Washington has experienced much federal interference with our state marijuana laws. The people are now offended by the continued refusal of federal and state officials to answer their complaints. The federal government will not allow our state legislature to regulate cannabis in a manner that minimizes the impact on children by allowing a licensed and specially taxed market for adults, patients or not. The people therefore find that if the federal government insists that the market in marijuana and therefore cannabis remain untaxed, unlicensed, and uncontrolled, we the people wish to keep unscrupulous individuals from using our children to distribute cannabis.

(m) Washington is a free and independent state able to create and enforce its own laws as long as they do not conflict with federal law, but is neither required to enact laws that emulate, nor enforce, nor assist in the enforcement of federal law.

(n) Washingtonians;

(i) Understand that until federal law changes any information required by the state could be subpoenaed by the federal government and used as evidence at federal trial, therefore no license or taxes other than sales tax can be collected from marijuana businesses currently;

(ii) Realize that in order for businesses to be expected to pay sales tax, they need to be safe from the threat of those tax statements being used as proof of federal crimes;

(iii) Demand their state government stop helping the federal government deprive Washingtonians of their rights. There are only two reasons people consume cannabis/marijuana; either a person believes it will lengthen or improve their quality life or a person uses it to pursue their own happiness. The federal government wants our state government to help them take away the liberty of Washingtonians to pursue either.

(o) It is not a valid role for the state to incarcerate otherwise productive people, creating huge financial and social costs. It is unjust to burden the taxpayers with the cost of feeding, housing, and clothing Washingtonians incarcerated for doing nothing more than pursuing happiness or attempting to improve the quality of their lives. The greatest injustice by far is for children to be raised by strangers at the taxpayers' expense while their parents are incarcerated for pursuing happiness;

(p) Washingtonians;

(i) Can no longer afford to spend millions of dollars annually punishing people that have not injured other people or their property;

(ii) Are done with our state government spending millions of dollars sending adults to jail or fining them for cannabis offenses unless they involve a child or endanger or harm others;

(iii) Are done allowing our state government to help the federal government in its war, not against drugs or even cannabis, but against Americans who are most often poor, young, and disadvantaged;

(iv) Demand that our state officials cease treating any of our ailing citizens as criminals, more than a decade after the people have declared by petition that such treatment must stop;

(v) Want our children protected in the numerous ways cited in subsection (3) of this section;

(vi) Want most for children to be protected from laws that encourage people to use them to sell any drug, including cannabis.

(2) The people of the state of Washington, in enacting this measure, are determined to defend the rights of the most vulnerable members of our society, our children and our infirm. We find that, regardless of the intent, the actual effect of prohibiting marijuana commerce by adults is to encourage commerce in cannabis by minors. Involvement by minors in such commerce encourages the experimentation and use by other minors they come into contact with at school, parks, and other places children congregate. The people of the state of Washington, therefore, intend to protect their children from the peer pressure to consume cannabis and the economic pressures to participate in cannabis commerce by allowing adults to participate in cannabis commerce with other adults while still discouraging consumption and commerce by minors and between adults and minors.

(3) This measure protects young people:

(a) By allowing medical cannabis patients who are authorized under the laws of Washington state to obtain cannabis from any adult they choose. Federal, state, and local authorities' efforts that prevent or otherwise make difficult safe access to medicinal cannabis by those authorized to do so have resulted in the current situation where older students in schools have much easier access to cannabis than many authorized medical cannabis patients. School children should be free to focus on their learning. They should never feel as though they are the only ones with access to cannabis when a loved one is told that it could offer therapeutic treatment. They should not have to think about risking their future to obtain cannabis from friends or

classmates in order to help an ailing loved one who cannot otherwise find a source for their medicine. When authorized patients can legally acquire cannabis from any adult they choose, students will be protected from having to carry this onerous burden;

(b) From losing family members to jail or prison by removing all criminal penalties for small plot cultivation, possession, transportation, sale, or consumption of marijuana for persons twenty-one years of age and older in the state of Washington, while retaining appropriate penalties for those under twenty-one years of age and those who distribute to them;

(c) By maintaining the penalties for engaging in marijuana commerce with minors or importing commercial quantities into Washington state;

(d) From their peers pressuring them to buy cannabis by providing for the continuation of penalties for people under the age of twenty-one years engaging in marijuana commerce;

(e) From being put in jail with sexual predators and other criminals for simply possessing cannabis, by making the first possession of smaller amounts a civil infraction, instead of a crime, for those under twenty-one years of age;

(f) By maintaining the penalties for people that exploit minors by involving them in cannabis commerce;

(g) By making the distinction between commercial and noncommercial cannabis distribution, such as sharing a cannabis cigarette or pipe full of cannabis, to minors and amongst minors, with differences in penalties;

(h) By, in addition to civil and criminal sanctions, continuing to allow a parent or guardian to sue people that supply cannabis to his or her child;

(i) By discouraging those less than twenty-one years of age from purchasing cannabis by making attempting to or actually purchasing cannabis a civil infraction for a first offense and a crime for subsequent offenses;

(j) From the peer pressure to consume cannabis in public places by making the consumption or being under the influence of cannabis in a

public place by those under twenty-one years of age a civil infraction, unless in the presence of their parents or guardians;

(k) By allowing for the medicinal or spiritual use of cannabis by minors with the approval of the minor's parent or legal guardian;

(l) From cannabis paraphernalia by allowing for the possession, sale, or transfer of cannabis and marijuana paraphernalia to those twenty-one years of age and older, while retaining civil infractions for people providing paraphernalia to persons under twenty-one years of age;

(m) By prescribing a civil infraction for adults who cultivate cannabis in public view and a crime for growing more than four hundred square feet of canopy per person or on public land or someone else's property;

(n) By requiring documented evidence of impairment or culpability in an accident before a minor, his or her parent, loved one who is ill, or any other adult's DUI THC blood test may be used as proof of a crime;

(o) By allowing all law enforcement officers to continue to investigate and cooperate with federal authorities to enforce marijuana laws that protect minors, limit the ability of large cartels to destroy our public lands or our quality of life, and prevent importation of cannabis from out of the state or country in violation of federal law; and

(p) By making it a crime for an employee or other agent of the state of Washington to assist the federal government in the prosecution of people for federal marijuana offenses that are not also violations under the laws of Washington state, while permitting the transmission of aggregate data for reporting purposes.

(4) It is not the intent of the people to allow individuals to participate in the cannabis and marijuana economy without paying their taxes, so long as records of those payments cannot be used as evidence of federal crimes.

(5) The people of the state of Washington acknowledge the state's right to regulate commerce within its borders, and the people, therefore, do not intend to limit the legislature or its designees

from regulating commerce in cannabis or hemp in any way it deems appropriate, does not violate federal law, and does not impinge upon the people's right to produce and utilize this beneficial plant and its derivative substances.

(6) The people acknowledge the federal government's right to regulate commerce between Washington and the many states of the United States or other nations and do not intend to prevent the Washington state government from assisting the government of the United States in its efforts to make all commerce between these states regular. The people do not acknowledge any right of the federal government to regulate commerce internal to the state of Washington nor transportation of marijuana into Washington state from another state that is not for commercial use.

(7) In enacting this measure, it is the desire of the people of the state of Washington to defend the rights of all Washingtonians. The people intend to especially protect the most vulnerable members of our society, our children, from the myriad of negative effects associated with the current prohibition of adult cannabis commerce.

NEW SECTION. **Sec. 2.** A new section is added to chapter 69.50 RCW to read as follows:

Nothing in this act shall be construed to affect the provisions or penalties set forth in the juvenile justice act, chapter 13.40 RCW or to legalize or authorize the possession, use, or manufacture of marijuana by persons under the age of twenty-one except as provided in section 5 of this act.

Sec. 3. RCW 69.50.401 and 2005 c 218 s 1 are each amended to read as follows:

(1) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(2) Except as provided in RCW 69.50.4014 or section 5 of this act, any person who violates this section with respect to:

(a) A controlled substance classified in Schedule I or II which is a narcotic drug or flunitrazepam, including its salts, isomers, and salts of isomers, classified in Schedule IV, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, or (i) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (ii) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine;

(b) Amphetamine, including its salts, isomers, and salts of isomers, or methamphetamine, including its salts, isomers, and salts of isomers, is guilty of a class B felony and upon conviction may be imprisoned for not more than ten years, or (i) fined not more than twenty-five thousand dollars if the crime involved less than two kilograms of the drug, or both such imprisonment and fine; or (ii) if the crime involved two or more kilograms of the drug, then fined not more than one hundred thousand dollars for the first two kilograms and not more than fifty dollars for each gram in excess of two kilograms, or both such imprisonment and fine. Three thousand dollars of the fine may not be suspended. As collected, the first three thousand dollars of the fine must be deposited with the law enforcement agency having responsibility for cleanup of laboratories, sites, or substances used in the manufacture of the methamphetamine, including its salts, isomers, and salts of isomers. The fine moneys deposited with that law enforcement agency must be used for such clean-up cost;

(c) Any other controlled substance classified in Schedule I, II, or III, is guilty of a class C felony punishable according to chapter 9A.20 RCW;

(d) A substance classified in Schedule IV, except flunitrazepam, including its salts, isomers, and salts of isomers, is guilty of a class C felony punishable according to chapter 9A.20 RCW; or

(e) A substance classified in Schedule V, is guilty of a class C felony punishable according to chapter 9A.20 RCW.

Sec. 4. RCW 69.50.4014 and 2003 c 53 s 335 are each amended to read as follows:

Except as provided in RCW 69.50.401(2)(c) and section 5(10)(a) of this act, any person under twenty-one years of age found guilty of possession of ~~((forty grams or))~~ less than twenty-four ounces of ((marihuana)) marijuana or possession of less than sixteen growing or harvested marijuana plants is guilty of a misdemeanor.

NEW SECTION. **Sec. 5.** A new section is added to chapter 69.50 RCW to read as follows:

(1) Except as provided in this chapter, there shall be no civil or criminal penalty for the delivery or possession of marijuana by persons twenty-one years of age and older. Persons under twenty-one years of age possessing more than the amount of marijuana for which possession constitutes a misdemeanor under RCW 69.50.4014 are not exempt from RCW 69.50.401 under this section.

(2) It is unlawful for any person over the age of twenty-one years to sell marijuana or counterfeit marijuana to any person under the age of twenty-one years who is more than three years younger than the person. A violation of this subsection is a class B felony punishable as provided in chapter 9A.20 RCW.

(3) It is unlawful for any person over the age of twenty-one years to sell marijuana or counterfeit marijuana to any person under the age of twenty-one years who is no more than three years younger than the person. A violation of this subsection is a class C felony punishable as provided for in chapter 9A.20 RCW.

(4) Except as provided in subsection (10)(a) of this section, it is unlawful for any person under the age of twenty-one years to sell marijuana or counterfeit marijuana to any person. A violation of this subsection is a gross misdemeanor punishable as provided in chapter 9A.20 RCW.

(5) Except as provided in subsection (10)(a) of this section, it is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of twenty-one years in a transaction to manufacture, sell, or deliver marijuana. A violation of this

subsection is a class C felony punishable as provided in chapter 9A.20 RCW.

(6) It is unlawful for any person to give or otherwise supply without compensation marijuana or counterfeit marijuana to any person under the age of twenty-one years and more than three years younger than the person, or permit any such person to consume marijuana on his or her premises or on any premises under his or her control. A violation of this subsection is a gross misdemeanor punishable as provided in chapter 9A.20 RCW. Subsequent violations of this subsection are a class C felony punishable as provided in chapter 9A.20 RCW.

(7) It is unlawful for any person to give or otherwise supply without compensation marijuana or counterfeit marijuana to any person under the age of twenty-one years and less than three years younger than the person, or permit any person under that age to consume marijuana on his or her premises or on any premises under his or her control. A violation of this subsection is a class 1 civil infraction punishable as provided in RCW 7.80.120. Subsequent violations of this subsection is a misdemeanor punishable as provided in chapter 9A.20 RCW.

(8) The parent or legal guardian of any minor to whom marijuana is sold or transferred, shall have a cause of action against the person who sold or transferred the marijuana for all damages to the minor or his or her parent or legal guardian caused by such sale or transfer. Damages shall include: (a) Actual damages, including the cost for treatment or rehabilitation of the minor child's drug dependency; (b) forfeiture to the parent or legal guardian of the cash value of any proceeds received from such sale or transfer of marijuana; and (c) reasonable attorneys' fees. This subsection shall not apply to a practitioner, as defined in RCW 69.50.101, who sells or transfers marijuana to a minor pursuant to a valid prescription or order.

(9) Except for persons defined in RCW 69.51A.010 (1) & (4), it is unlawful for any person under the age of twenty-one years to purchase or attempt to purchase marijuana. The first violation of this subsection is a class 1 civil infraction punishable as provided in RCW

7.80.120. Subsequent violations of this subsection are a misdemeanor punishable as provided in chapter 9A.20 RCW.

(10)(a) Possession of less than forty grams of marijuana or less than six growing or harvested marijuana plants, manufacture of any marijuana infused products, or possession of counterfeit marijuana is unlawful for anyone under the age of twenty-one years, unless that person has attained the age of eighteen years, is performing the normal duties of his or her employment, is under the supervision of someone twenty-one years of age or older, and the marijuana is owned by his or her employer.

(b) It is unlawful for a person under the age of twenty-one years to be in a public place, or to be in a motor vehicle in a public place, while exhibiting the effects of having consumed marijuana. For purposes of this subsection, exhibiting the effects of having consumed marijuana means that a person has the odor of marijuana on his or her breath and either: (i) Is in possession of or close proximity to drug paraphernalia that has or recently had marijuana in it; or (ii) by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of marijuana. This subsection (10)(b) does not apply if the person is in the presence of a parent or guardian or has consumed or is consuming marijuana under circumstances described in subsection (12) or (13) of this section. A violation of this subsection is a class 1 civil infraction punishable as provided in RCW 7.80.120. Subsequent violations are a misdemeanor punishable as provided in chapter 9A.20 RCW.

(11) Subsections (6), (7), and (10)(a) of this section do not apply to marijuana given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian.

(12) Subsections (6), (7), and (10)(a) of this section do not apply to marijuana given to or recommended for medicinal purposes to a person under the age of twenty-one years by a physician, practitioner, or dentist.

(13) Subsections (6), (7), and (10)(a) of this section do not apply to marijuana given to a person under the age of twenty-one years when such marijuana is being used in connection with religious services with the consent of a parent or guardian.

(14)(a) Unless otherwise authorized by the state, it is unlawful for a person to produce marijuana except in compliance with the following requirements:

(i) The person is twenty-one years of age or older;

(ii) The total square footage of the combined plant canopy of all marijuana gardens maintained by the person does not exceed four hundred square feet in size;

(iii) The marijuana is produced on property lawfully owned, leased or rented by the person producing it; and

(iv) Except for being visible from aircraft, the marijuana plants are not produced in a manner or place that a reasonable person would know to be open to the view of a member of the general public positioned in or moving through a public place.

(b)

(i) A person who violates sections (a) i, ii, iii of this subsection is guilty of a gross misdemeanor offense as provided in chapter 9A.20 RCW.

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(ii) A person who violates section (a) iv of this subsection is guilty of a class 3 civil infraction under chapter 7.80 RCW.

(15) A person is guilty of interstate transportation of marijuana if he or she knowingly imports marijuana into Washington state in excess of the amounts in RCW 69.50.4014 from any other state or in any amount from any other country. A violation of this subsection is a class C felony punishable as provided in chapter 9A.20 RCW.

(16) For the purposes of this section, "premises" includes real property, houses, buildings, and other structures, and motor vehicles and watercraft.

Sec. 6. RCW 69.50.412 and 2002 c 213 s 1 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing bloodborne diseases.

(6) This section applies to marijuana-related offenses only for persons under the age of twenty-one years or for persons delivering marijuana paraphernalia to a person under twenty-one years of age.

Sec. 7. RCW 69.50.4121 and 2002 c 213 s 2 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips: Meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

(f) Miniature cocaine spoons and cocaine vials;

(g) Chamber pipes;

(h) Carburetor pipes;

(i) Electric pipes;

(j) Air-driven pipes;

(k) Chillums;

(l) Bongs; and

(m) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits legal distribution of injection syringe equipment through public health and community based HIV prevention programs, and pharmacies.

(4) This section applies to marijuana-related offenses only for persons under the age of twenty-one years or for persons who sell or give marijuana paraphernalia to a person under twenty-one years of age.

Sec. 8. RCW 69.50.500 and 1989 1st ex.s. c 9 s 437 are each amended to read as follows:

~~((a))~~ (1) It is hereby made the duty of the state board of pharmacy, the department, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

~~((b))~~ (2) Employees of the department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

(3) This section does not apply to marijuana-related offenses that are not also criminal offenses under the laws of Washington state.

Sec. 9. RCW 69.50.504 and 1971 ex.s. c 308 s 69.50.504 are each amended to read as follows:

(1) The state board of pharmacy shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances.

(2) This section does not apply to marijuana-related offenses that are not also criminal offenses under the laws of Washington state.

NEW SECTION. **Sec. 10.** A new section is added to chapter 69.50 RCW to read as follows:

(1) It is a misdemeanor for any employee or agent of the state of Washington or any county or city therein to provide any information about marijuana activities by individual persons to any federal government employee or agency for furtherance of any federal criminal or civil investigation that would not also be a criminal violation under the laws of Washington state.

(2) It is a gross misdemeanor for any employee or agent of the state of Washington to assist in the arrest, prosecution, or detention of any person for any violation of federal laws relating to marijuana that is not also a criminal violation under the laws of Washington state.

NEW SECTION. **Sec. 11.** A new section is added to chapter 46.20 RCW to read as follows:

Videotape evidence of impairment or determination of culpability in an accident is required before THC concentration test results from blood drawn and tested under RCW 46.20.308 may be used as evidence of a crime. Blood drawn under RCW 46.20.308 may be tested for THC concentration for research or study purposes so long as the identity of the individual is not revealed.

NEW SECTION. **Sec. 12.** In the event that any sections of this act are in conflict with any other laws codified in the Revised Code of Washington, the provisions of this act shall control.

NEW SECTION. **Sec. 13.** The attorney general must vigorously defend this act from all challenges by persons, officials, cities, counties, and state or federal governments by all legal means to the fullest extent possible; propose federal acts necessary to remove impediments to this act; deliver proposed federal acts to each member

of congress; and urge adoption of the proposed federal acts through all legal and appropriate means.

NEW SECTION. **Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 15.** This act may be known and cited as the cannabis child protection act of 2012.